



H.R. 3971 – Death in Custody Reporting Act of 2007

FLOOR SITUATION

H.R. 3971 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Robert Scott (D - VA) on October 25, 2007. The bill was referred to the House Committee on the Judiciary, and was considered on November 7, 2007. The Committee approved the bill by voice vote on November 7, 2007.

H.R. 3971 is expected to be considered on the floor on January 23, 2008.

SUMMARY

H.R. 3971 requires states which receive certain criminal justice assistance grants to issue quarterly reports to the Attorney General on information regarding the death of any person who dies while in the custody of law enforcement.

Information to be included in such reports is to include, at minimum:

- The name, gender, race, ethnicity, and age of the deceased; and
- The date, time, and location of the death, as well as a description of the circumstances surrounding the death; and
- The name of the law enforcement agency that detained, arrested, or was in the process of arresting the deceased.

The bill would require States to submit their report within 30 days of the death. Failure by any State to comply within the 30 day filing period will result in the withholding of 10 percent of the federal funds that would otherwise have been allocated for that State under grant programs established by the Omnibus Crime Control and Safe Streets Act of 1968. This punitive provision may be waived by the Attorney General.

Additionally, H.R. 3971 requires the Attorney General to submit a report to Congress recommending means by which the number of these deaths may be reduced. The report also requires an examination of the relationship, if any, between the number and occurrence of such deaths and the management of correctional facilities in which these deaths occur.

BACKGROUND

According to a report conducted by the Department of Justice's Bureau of Justice Statistics, 15,308 State Prisoner deaths occurred in State prisons nationally between 2001 and 2005. The report indicated that illness accounted for 82.5 percent of these deaths. Suicide and AIDS composed 12.9 percent of all deaths, with homicide, drugs and alcohol, accidental, and unknown factors accounting for the other 4.6 percent of all deaths among State prisoners in the same time period. Deaths by execution were not included in the statistical data composing total deaths.

According to an additional Bureau of Justice Statistics report, 43 total deaths occurred in State juvenile correctional facilities between 2002 and 2005. Of these deaths, 21 were the result of suicide, 10 were the result of illness, 5 were the result of homicide, and 5 had unknown causes.

The Bureau of Justice Statistics also issued a report on the total number of deaths occurring while bringing individuals into custody. Homicides by law enforcement officers made up 55 percent (1,095) of all deaths during arrests by State and local agencies. Eleven homicides were committed by other persons present at the scene. Drug and alcohol intoxication accounted for 13 percent of all such deaths, followed by suicides (12 percent), accidental injuries (7 percent), and illness or natural causes (6 percent).



LEGISLATIVE DIGEST

HOUSE REPUBLICAN CONFERENCE | CHAIRMAN ADAM PUTNAM

1420 LONGWORTH HOB, WASHINGTON, DC 20515

www.GOP.gov

PHONE 202.225.5107

FAX 202.226.0154

H.R. 3971 is the reauthorization of H.R. 1800, the Death in Custody Reporting Act of 2000. H.R. 1800 passed the House on July 24, 2000 by voice vote. The Senate approved the bill by unanimous consent on October 3, 2000. H.R. 1800 became Public Law No: 106-297 on October 13, 2000.

COST

H.R. 3971 would authorize the appropriation of \$500,000 for FY 2009. The CBO estimates the implementation of this bill would cost \$500,000 over 2009-2010.

STAFF CONTACT

For questions or further information contact Justin Hanson at (202) 226-2302.